H.R. 1540 – FY12 NATIONAL DEFENSE AUTHORIZATION BILL

SUBCOMMITTEE ON STRATEGIC FORCES

SUMMARY OF BILL LANGUAGE

Titles 1, 2, 9, 10, 31 & 32

SUMMARY OF BILL LANGUAGE

TITLE I—PROCUREMENT

Section 132—Procurement of Advanced Extremely High Frequency Satellites

This section would authorize the Secretary of the Air Force to enter into a fixed price contract to procure two Advanced Extremely High Frequency (AEHF) satellites, authorize incremental funding of the two AEHF satellites over a period not to exceed five years, and establish a limitation on the total funds to be obligated and expended for the procurement. This section would also require the Secretary of the Air Force to submit a report to the congressional defense committees on contract details, cost savings, and plans for reinvesting the cost savings into capability improvements for future blocks of AEHF satellites.

The Air Force proposes to procure two AEHF satellites over seven years using advanced appropriations authority as part of its new Evolutionary Acquisition for Space Efficiency (EASE) approach to space acquisition. The Air Force believes a block buy of two satellites can drive down costs, improve stability in the space industrial base, and allow for investments in technology that will lower risk for future programs. However, such an approach, if fully funded in a single fiscal year, would consume a large portion of the overall space budget and negatively impact other mission-critical programs.

While the committee supports the objectives of EASE, it has reservations about its implementation. The committee does not support the request for advanced appropriations authority and notes that such authority has not been provided to the Department in the past and would limit the oversight ability of future Congresses. The committee is aware of Air Force plans to begin advanced procurement of additional AEHF satellites starting in fiscal year 2016, and the committee believes incremental funding for one block of satellites should be completed before procurement of additional satellites. Therefore, the committee recommends incremental funding authority over a period not to exceed five years for the procurement of the two AEHF satellites.

The committee expects the Air Force to realize substantial savings from the EASE block buy approach, enabled by a fixed-price contract and fixed requirements. The committee also expects the Air Force to reinvest any savings into a capability insertion program, which is addressed in another section of the report, where research and development activities are competitively awarded and new technologies are matured for insertion into future blocks of AEHF satellites or other military communications satellites. Further, the committee believes that the EASE approach must be viewed as a longer-term strategy for space acquisition to fully realize the benefits of the capability insertion program and to provide longer-term stability in the industrial base.

The committee understands that the Air Force intends to apply the EASE approach to the procurement of Space-Based Infrared satellites in the fiscal year 2013 budget request. The committee discourages the use of advanced appropriations in future budget requests.

Section 142—Contracts for Commercial Imaging Satellite Capacities

This section would repeal section 127 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

While the committee believes that commercial imagery satellites are becoming a key part of the overhead imagery architecture, it does not believe Congress should prescribe a specific minimum telescope aperture size for commercial imagery satellites that the U.S. Government does not own or operate. Rather, the committee encourages the Department of Defense to work with commercial imagery providers to communicate its capability requirements and allow the commercial providers to offer their technical proposals on how best to meet the requirements.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Section 216—Limitation on Obligation of Funds for Joint Replacement Fuze Program

This section would limit the obligation and expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2012 for the Air Force for the joint/common replacement fuze program for Air Force and Navy nuclear warheads to not more than 75 percent until the Secretary of Defense submits a report to the congressional defense committees on the feasibility of the program. The committee notes that an ongoing Air Force effort to modernize fuzes on the Mk21 reentry vehicle through a depot refurbishment program experienced significant schedule delays. A review of this refurbishment program indicates that the Air Force failed to conduct a feasibility study to determine whether the depot had the expertise and capability to perform the refurbishment.

The committee understands that the Air Force and Navy are pursuing a joint/common replacement fuze program for both intercontinental and submarine-launched ballistic missile reentry vehicles. The committee applauds their efforts to seek efficiencies and share lessons learned through such a program. However, the committee seeks to ensure that all stakeholders have developed a full understanding of the feasibility of the proposed replacement program before full development proceeds, and avoid the pitfalls experienced in the Air Force refurbishment program.

Section 217—Limitation on Availability of Funds for the Joint Space Operations Center Management System

This section would limit the obligation or expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2012 for release one of the Joint Space Operations Center Management System (JMS) until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Air Force jointly provide to the congressional defense committees the acquisition strategy for JMS, to include a description of the acquisition policies and procedures applicable to JMS and any additional acquisition authorities that may be necessary.

This section would also express a sense of Congress that improvements to U.S. space situational awareness and space command and control capabilities are necessary, and the traditional defense acquisition process is not optimal for developing the services oriented architecture and net-centric environment planned for JMS.

Section 231—Acquisition Accountability Reports on the Ballistic Missile Defense System

This section would amend chapter 9 of title 10, United States Code, by adding a new section 225 that would require the Secretary of Defense to establish and maintain an acquisition baseline for each program element and designated subprogram element of the ballistic missile defense system before the program or subprogram enters engineering and manufacturing development, and production and deployment.

This section would incorporate and expand upon annual reporting requirements established in section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), to include reporting on schedules and milestones, acquisition quantities, requirements, technical capabilities, cost estimates, and test plans. Additionally, this section would repeal section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, section 223(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), and section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), to reduce duplication in missile defense reporting requirements.

Section 232—Limitation on Availability of Funds for Medium Extended Air Defense System

This section would express the sense of Congress on the Medium Extended Air Defense System (MEADS). This section would also provide a limitation that no funds made available in fiscal year 2012 for MEADS may be obligated or expended until the Secretary of Defense either negotiates a multilateral termination of the MEADS contract or restructures the MEADS program, and ensures that specific deliverables will be transitioned to a program of record by September 30, 2013.

This limitation would also require the Secretary of Defense to submit written notification to the congressional defense committees on several elements, including: MEADS termination costs or program restructure costs; the program schedule and specific deliverables; the specific technologies to be harvested and the plans for transitioning such technologies to a current program of record; and how the Secretary plans to address the Department's air and missile defense requirements in the absence of a fielded MEADS capability, including a summary of the activities, and cost estimate and funding profile, necessary to sustain and upgrade the Patriot air and missile defense system.

In a Department of Defense MEADS fact sheet, dated February 14, 2011, and subsequent Medium Extended Air Defense System Report to Congress, dated March 18, 2011, the Department concluded that the completion of MEADS design and development (D&D) would require an additional $2.0 billion, of which the U.S. Government's share would be $1.2 billion, and extend the schedule by 30 months at a minimum. The Department of Defense estimated that an additional $800.0 million would be required to complete U.S.-unique certification, test, and evaluation requirements, and integration. Therefore, the Department of Defense concluded that, "The U.S. cannot afford to purchase MEADS and make required upgrades to Patriot concurrently over the next two decades," and decided to complete a proof of concept effort, which is scheduled to be completed by 2014, using the remaining D&D funds agreed to in a 2004 memorandum of understanding. The Department argues that this effort would put the D&D program on stable footing should the Italian Republic and the Federal Republic of Germany wish to continue MEADS development and production, although the U.S. has decided not to pursue MEADS procurement and production. The budget request contained $804.0 million across fiscal years 2012-13 for the U.S. share of the proof of concept effort.

The committee is concerned about authorizing significant funds for a program that the Department does not intend to procure, and whose record of performance, according to the February 14, 2011 Department of Defense fact sheet, "might ordinarily make it a candidate for cancellation." Additionally, the committee lacks confidence that the proof of concept would result in viable prototypes and demonstrated capabilities. The Chief of Staff of the Army testified before the committee in March 2011 that he is "not convinced" the MEADS proof of concept is viable.

Rather than focus on a proof of concept effort, the committee believes the Department should immediately identify and harvest promising MEADS technologies, whether U.S. or partner-developed, and transition those technologies into a Patriot air and missile defense system upgrade effort or other viable program of record. The committee understands that the Department must now sustain the Patriot system longer than previously planned and expects the Department to provide its plans for sustaining and upgrading the system. Several countries in the Middle East, Europe, and East Asia operate Patriot systems. The committee believes a Patriot system upgrade effort that includes promising MEADS technologies may benefit not only the U.S., but many other countries with Patriot systems.

In conjunction with the Department's Patriot sustainment and upgrade plans, the committee expects the Department to develop a cost estimate and funding profile for such plans and to include those funds in the fiscal year 2013 budget request.

The committee is aware that the Department's maximum termination liability is approximately $846.0 million should it unilaterally terminate the MEADS contract. Therefore, the committee encourages the Department to pursue multilateral termination options to lower the contract termination liability belonging to the United States.

Elsewhere in this title, the committee recommends a reduction to the fiscal year 2012 budget request for MEADS on the premise that the Department is able to negotiate a multilateral contract termination or further restructure the program.

Lastly, the committee wants to make clear its support for international missile defense cooperation, and encourages the Department to continue to pursue cooperative missile defense activities that are affordable and benefit the security of all parties.

Section 233—Homeland Defense Hedging Policy and Strategy

This section would make it the policy of the United States to develop and maintain a hedging strategy to provide protection of the United States:

(1) If the intercontinental ballistic missile (ICBM) threat from the Middle East materializes earlier than 2020, or technical challenges or schedule delays affect the availability of the Standard Missile-3 Block IIB interceptor planned for fielding in Europe by 2020 to protect the United States as part of phase 4 of the President's phased, adaptive approach;

(2) If the ICBM threat from East Asia materializes more rapidly than expected;

(3) That improves or enhances the protection of the United States beyond the ground-based midcourse defense capabilities currently deployed for the defense of the United States; and

(4) That includes plans for ensuring that hedging capabilities are suitable to perform the assigned mission, operationally effective, and use technologies that are sufficiently matured and tested prior to fielding.

This section would also require the Secretary of Defense to submit to the congressional defense committees the Department of Defense's homeland defense hedging strategy by December 5, 2011, or the date on which the Secretary completes the development of such strategy, whichever comes earlier.

The committee is aware that the Department of Defense is currently developing a hedging strategy for the protection of the U.S. homeland, to include continued development and assessment of a two-stage ground-based interceptor as noted in the February 2010 Department of Defense Ballistic Missile Defense Review. The committee notes that during testimony before the committee on October 1, 2009, the Under Secretary of Defense for Policy stated, ''we keep the development of the two-stage [ground-based interceptor] on the books as a hedge in case things come earlier, in case there's any kind of technological challenge with the later models of the [Standard Missile-3].'' This section would clarify and expand such policy.

Section 234—Ground-based Midcourse Defense System

This section contains five findings concerning the Ground-based Midcourse Defense (GMD) system, including recent intercept flight test failures, its role in protecting the U.S. homeland, reductions in the President's budget request for GMD, schedule delays resulting from the flight-test failures and Missile Defense Agency operations before the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10) was enacted, and additional ground-based interceptors (GBI).

Additionally, this section would express the sense of Congress that the GMD system is currently the only missile defense system that protects the U.S. homeland from long-range ballistic missile threats.

This section would further require the Secretary of Defense to submit to the congressional defense committees a plan by the Director, Missile Defense Agency to address the GMD flight-test failures, including the schedule and additional resources necessary to implement the plan. This section would also require the Secretary of Defense to provide written certification that the Director of the Missile Defense Agency has thoroughly investigated the root cause of the flight-test failures, and that the plan, schedule, resources, and prioritization for implementation of corrective measures are sufficient.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Section 911—Notification Requirement for Harmful Interference to Department of Defense Global Positioning System

This section would require the Secretary of Defense to provide a notification to Congress upon such a determination that a space-based or terrestrial-based commercial communications service will cause or is causing widespread harmful interference with Global Positioning System (GPS) receivers of the Department of Defense (DOD). The notification would include a summary of the reasons for such harmful interference, the entity causing the interference, and the magnitude and duration of the interference.

The committee is aware that the Federal Communications Commission (FCC) issued a conditional order to a commercial communications company on January 26, 2011, authorizing it to provide broadband voice and data communications services that potentially interfere with

GPS. The committee recognizes that the Armed Forces are highly dependent on GPS capabilities and services. The committee believes that any space-based or terrestrial-based commercial communications service that has the potential to interfere with GPS should not receive final authorization to provide service within the United States by the FCC unless and until the potential interference with GPS is resolved.

Such commercial services are planned to be transmitted from 40,000 land-based towers across the United States. The committee understands, based on information received from the Air Force, that the signal strength of such service is estimated to be one billion times more powerful than the GPS signal. Though the commercial service would broadcast on a frequency adjacent to GPS, it would still overwhelm GPS receivers, potentially causing a denial of service for millions of users in the United States relying on GPS navigation and timing services. Such users included the military, emergency responders, maritime and aeronautical emergency communication systems, banking transactions, air traffic and ground transportation systems, and myriad commercial applications.

The committee understands that the Deputy Secretary of Defense sent a letter to the Chairman of the Federal Communications Commission on January 12, 2011, highlighting the "strong potential for interference to... critical national security systems," and "strongly recommend[ing] deferral of final action on [the FCC order and authorization] until the proper interference analysis and mitigation studies can be conducted."

The committee is aware of several other letters of concern regarding potential GPS interference, including: a December 28, 2010, multi-agency memorandum to the Chairman of the Interdepartment Radio Advisory Committee (IRAC) signed by officials from the military departments of the Army, Navy, and Air Force, the Department of Transportation, the Department of Commerce, the National Aeronautics and Space Administration, the Department of the Interior, and Department of Homeland Security; a January 12, 2011, letter to the Chairman of the Federal Communications Commission from the Assistant Secretary of Commerce for Communications and Information; and a March 25, 2011, letter co-signed by the Deputy Secretary of Defense and the Deputy Secretary of Transportation.

The committee understands that the authorization of commercial communications service is conditional "upon the completion of the process for addressing interference concerns relating to GPS" undertaken by a technical working group whose analysis of potential interference with GPS devices and recommendations to mitigate such interference is due to be submitted to the FCC no later than June 15, 2011.

The committee is deeply concerned about the impact on our national security resulting from potential harmful interference with GPS. The committee recognizes the extent to which the military is reliant on GPS and notes the military's current inventory of nearly one million GPS receivers. Thousands of GPS receivers are integrated into weapons systems, aircraft, ships, and vehicles. GPS is crucial in such areas as blue force tracking, precision munitions employment, combat search and rescue, close air support, logistics, and communications.

The committee understands that the FCC did not conduct a study on potential interference prior to the January 26, 2011, order and authorization. The committee is disappointed that the FCC proceeded with the order and authorization prior to any study and resolution of the GPS interference issue. Furthermore, the committee understands that the Department of Defense has not determined whether it can mitigate the interference and questions whether sufficient analysis and mitigating measures can be identified and implemented by June 15, 2011. The committee believes the burden of proof for non-interference should be placed on

the commercial communications company and believes the FCC should indefinitely postpone final decision until the harmful interference issue has been resolved, with the full coordination and approval of the Department of Defense.

The committee reminds the Secretary of Defense of the authority in section 2281 of title 10, United States Code, which states that the Secretary "may not agree to any restriction on the Global Positioning System... that would adversely affect the military potential of the Global Positioning System." The committee intends to work with the Secretary of Defense to mitigate the effects of any harmful interference with GPS on the military.

TITLE X—GENERAL PROVISIONS

Section 1051—Annual Assessment and Report on the Delivery Platforms for Nuclear Weapons and the Nuclear Command and Control System

This section would require the director of the Strategic Systems Program, U.S. Navy, commander of the Global Strike Command, U.S. Air Force, and Commander, U.S. Strategic Command to each complete an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness for each type of nuclear weapons delivery platform and the nuclear command and control system of the United States within their direct responsibility.

This section would further require that these assessments be submitted to the Secretary of Defense and Nuclear Weapons Council not later than December 1 of each year, along with several other reporting requirements. The Secretary of Defense would then be required to submit to the President each report along with any comments that the Secretary considers appropriate, not later than March 1 of each year. Finally, the President shall forward to Congress the reports provided by the Secretary of Defense along with any comments the President considers appropriate. The first submissions to Congress would be required by March 15, 2012.

The committee notes a parallel requirement for the assessment of the nuclear weapons stockpile established in section 3141 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314). The committee believes these annual assessments provide oversight value.

Section 1052—Plan on Implementation of the New START Treaty

This section would require the Secretary of Defense, in consultation with the Commander, U.S. Strategic Command, the Secretary of the Air Force, and the Secretary of the Navy, to submit a plan for implementing nuclear force reductions, limitations, and verification and transparency measures contained in the New Strategic Arms Reduction Treaty (New START).

The plan would include a description of the nuclear force structure under New START, changes necessary and how such changes would be implemented under New START, the costs and schedule for New START implementation, and options for and feasibility of accelerating New START implementation, including an assessment of potential cost savings, benefits, and risks of accelerating implementation. In this context, the committee notes that the next nuclear Non-Proliferation Treaty (NPT) Review Conference will occur in 2015.

This section would also require the Comptroller General of the United States to review the Department's implementation plan and submit the results of this review to the congressional

defense committees, the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs, within 180 days after the date the plan is submitted. This section would require the plan and review to be submitted in unclassified form with a classified annex if necessary

Section 1053—Annual Report on the Plan for the Modernization of the Nuclear Weapons Stockpile, Nuclear Weapons Complex, and Delivery Platforms

This section would require the President to submit an annual report for each of fiscal years 2013 through 2017 to the congressional defense committees, the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs on the plan for the modernization of the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms. The report would include a detailed account of the plans to enhance the safety, security, and reliability of the nuclear weapons stockpile; to modernize the nuclear weapons complex; to maintain, modernize, or replace the delivery platforms for nuclear weapons; and a detailed account of any plans to retire, dismantle, or eliminate any covered nuclear system.

This section would build upon a single year reporting requirement established in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), and codify direction from the President to the Secretary of Defense and the Secretary of Energy to jointly provide annual updates to the 1251 Report, as stated in a February 7, 2011, White House press statement regarding the Annual Update to the Report Specified in Section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Section 1054—Sense of Congress on Nuclear Force Reductions

This section would express the sense of Congress that any reduction in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy, as well as the technical and operational implications of such reductions. This section would also state that specific criteria are necessary to guide future decisions regarding further reductions in such nuclear forces.

Section 1098—National Rocket Propulsion Strategy

This section contains five findings concerning the reviews undertaken by the Department of Defense (DOD) of the solid rocket motor and liquid rocket engine propulsion industrial base, the reliance of multiple Government agencies on this industrial base, the impact on the Department of Defense resulting from the end of the National Aeronautics and Space Administration Space Shuttle program and termination of the Constellation program, and the increasing cost of DOD systems that are in part due to the uncertainty in the industrial base.

This section would require the President to submit to the appropriate congressional committees a national rocket propulsion strategy for the United States. Lastly, this section would express the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple government agencies and requires the Administration's attention.

TITLE XXXI–DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Section 3101—National Nuclear Security Administration

This section would authorize appropriations for the National Nuclear Security Administration for fiscal year 2012, including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs, and the Office of the Administrator, at the funds identified in section 4701 of division D of this Act.

Section 3102—Defense Environmental Cleanup

This section would authorize appropriations for defense environmental cleanup activities for fiscal year 2012, at the funds identified in section 4701 of division D of this Act.

Section 3103—Other Defense Activities

This section would authorize appropriations for other defense activities for fiscal year 2012, including funds for Health, Safety, and Security, the Office of Legacy Management, and Nuclear Energy, at the funds identified in section 4701 of division D of this Act.

Section 3104—Energy Security and Assurance

This section would authorize appropriations for energy security and assurance programs for fiscal year 2012, at the funds identified in section 4701 of division D of this Act.

Section 3111—Consolidated Reporting Requirements relating to Nuclear Stockpile Stewardship, Management, and Infrastructure

This section would consolidate several existing reporting requirements in the Atomic Energy Defense Act (50 U.S.C. 42). Specifically, this section would repeal reporting requirements in sections 4202, 4203, 4203A, 4204, and 4208 of the Atomic Energy Defense Act and consolidate them into a new section 4203.

This section would create a consolidated requirement for the Administrator for Nuclear Security, in consultation with the Secretary of Defense, to create a plan for sustaining the nuclear weapons stockpile. The plan would be required to cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. This section would require the Administrator to submit a summary of this plan, including identification of changes to the plan, to the congressional defense committees in each even-numbered year, and a detailed report on the plan in each odd-numbered year. Finally, this section would require the Nuclear Weapons Council, in each odd-numbered year, to submit to Congress an assessment of certain aspects of the plan developed by the Administrator and determine whether the plan adequately supports nuclear security enterprise infrastructure modernization requirements.

Section 3113—Use of Savings from Pension Reimbursements for Budgetary Shortfalls

This section would require the Administrator for Nuclear Security and the Assistant Secretary of Energy for Environmental Management to make determinations throughout each fiscal year, until the end of fiscal year 2016, regarding the level of funds needed to meet the minimum funding standard required by the Employee Retirement Income Security Act of 1974 (Public Law 93-406) for any defined-benefit pension plan operated by management and operating contractors of either the Department of Energy Office of Environmental Management or National Nuclear Security Administration (NNSA). If economic conditions improve, or efficiencies are identified, such that the amounts originally budgeted for contributions to the contractors' pension plans exceed the minimum required by statute, this section would require the Administrator and the Assistant Secretary to promptly obligate or expend the excess funds on high priority budgetary shortfalls, as identified by the Administrator or the Assistant Secretary, respectively. This section would authorize the Administrator and the Assistant Secretary to transfer any such funds as needed to fulfill this purpose, and would require the Administrator and the Assistant Secretary to promptly notify the congressional defense committees if such excess funds are identified or transferred. The authorities authorized by this section would terminate on September 30, 2016.

The committee recognizes the need to fully fund the pension plans of the highly skilled scientists, engineers, and other workers employed by the contractors managing and operating Department of Energy and NNSA facilities. The committee believes these employees are the backbone of efforts to ensure the safety, security, and reliability of the Nation's nuclear deterrent, and pension promises made to them must be kept. The committee notes that the President's request anticipates NNSA and the Department of Energy Office of Environmental Management to make approximately $1.25 billion in contributions to these pension plans in fiscal year 2012. However, the required contributions to these pension plans are uncertain and will not be fully known until well into a given fiscal year. If economic conditions improve or efficiencies are identified, the total amount of contributions required by law may be less than the $1.25 billion anticipated in the budget request. This section would require the Administrator and the Assistant Secretary to determine if such savings are realized at any time during fiscal year 2012-16, from any program within the Office of Environmental Management or NNSA, and require them to promptly obligate such funds on high-priority budgetary shortfalls. The committee expects high-priority budgetary shortfalls to include modernization of the nuclear security enterprise, reduction in deferred maintenance, and acceleration of environmental cleanup activities. The committee believes that modernizing and refurbishing the infrastructure of the nuclear security enterprise must be a top priority for Department of Energy and NNSA, and this section would ensure that any savings from the anticipated pension contributions are put toward that end or similar high priorities.

Section 3123—Report on Further Consolidation of the Nuclear Security Complex Sites

This section would require the Administrator for Nuclear Security, in coordination with the Secretary of Energy, to submit a report no later than February 1, 2012 on opportunities for further consolidation of special nuclear material and functions of the nuclear security complex that would result in cost-savings and efficiencies in security and safety. The report should assess opportunities for further consolidation of special nuclear material, a strategy and schedule to reduce duplicative and excess functions of the nuclear security complex, long-term planning

options to reduce the number of nuclear security complex sites, and a description of the resulting cost savings and efficiencies.

This section would also require the Comptroller General of the United States to assess the Administrator for Nuclear Security's plan and submit a report to the congressional defense committees 180 days after the Administrator's report is submitted. These reports in unclassified form may also have a classified annex.

The committee commends the National Nuclear Security Administration for its progress in recent years in consolidating special nuclear material as part of its effort to transform the nuclear weapons complex into a smaller, safer, more secure, and more efficient national security enterprise.

Section 3124—Net Assessment of High-Performance Computing Capabilities of Foreign Countries

This section would require the Administrator for Nuclear Security, in coordination with the Secretary of Defense, the Director of National Intelligence, the Under Secretary of Energy for Science, and the Under Secretary of Commerce for Industry and Security, to conduct a net assessment of high-performance computing capability possessed by foreign countries. The assessment would be required to cover a variety of matters, including an analysis of current and potential future capabilities and trends in high-performance computing; descriptions of how high-performance computing capabilities are used throughout the world; and an evaluation of similarities and differences in approaches to innovation, development, and utilization of high-performance computing among the United States and major foreign competitors in the field. The section would require the Administrator to coordinate the assessment with other appropriate executive agencies and, upon request by the Administrator, require the Secretary of Defense to provide net assessment expertise through the Department of Defense Office of Net Assessment. The Administrator would be required to submit an unclassified report on the results of the assessment, with a classified annex if appropriate, to the appropriate congressional committees within 180 days after the date of enactment of the Act.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Section 3201—Authorization

This section would authorize funds for the Defense Nuclear Facilities Safety Board for fiscal year 2012.

BILL LANGUAGE

Titles 1, 2, 9, 10, 31 & 32

SEC. 132.[Log #310] PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) USE OF INCREMENTAL FUNDING.—With respect to a contract entered into under paragraph (1) for the procurement of advanced extremely high frequency satellites, the Secretary may use incremental funding for a period not to exceed five fiscal years.

(3) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed $3,100,000,000.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program support costs.

(c) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

(1) WAIVER.—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees written notification of the adjustment made to the amount set forth in such subsection.

(2) ADJUSTMENT.—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2011.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into an advanced extremely high frequency satellite, as compared to the technology built into such a satellite procured prior to fiscal year 2012, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to national security.

(d) REPORT.—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional

defense committees a report on such contract, including the following:

(1) The total cost savings resulting from the authority provided by subsection (a).

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of military satellite communications, including a description of—

(A) the available funds, by year, resulting from such cost savings;

(B) the specific activities or subprograms to be funded by such cost savings and the funds, by year, allocated to each such activity or subprogram;

(C) the objectives for each such activity or subprogram and the criteria used by the Sec-

retary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

SEC. 142.[Log #311] CONTRACTS FOR COMMERCIAL IMAGING SATELLITE CAPACITIES.

Section 127 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4161; 10 U.S.C. 2302 note) is repealed.

SEC. 216.[Log #316] LIMITATION ON OBLIGATION OF FUNDS FOR JOINT REPLACEMENT FUZE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for the joint replacement fuze program for nuclear warheads of the Navy and the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a report on the feasibility of such program.

SEC. 217.[Log #314] LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MANAGEMENT SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements to the space situational awareness and space command and control capabilities of the United States are necessary; and

(2) the traditional defense acquisition process is not optimal for developing the services-oriented architecture and net-centric environment planned for the Joint Space Operations Center management system.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for release one of the Joint Space Operations Center management system may be obligated or expended until the date on which the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly submit to the congressional defense committees the acquisition strategy for such management system, including—

(1) a description of the acquisition policies and procedures applicable to such management system; and

(2) a description of any additional acquisition authorities necessary to ensure that such management system is able to implement a services-oriented architecture and net-centric environment for space situational awareness and space command and control.

Subtitle C—Missile Defense Programs

SEC. 231.[Log #320] ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section:

"§ 225. Acquisition accountability reports on the ballistic missile defense system

"(a) BASELINES REQUIRED.—(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—

"(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

"(B) each designated major subprogram of such program elements.

"(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

"(A) engineering and manufacturing development; and

"(B) production and deployment.

"(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

"(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

"(1) A comprehensive schedule, including—

"(A) research and development milestones;

"(B) acquisition milestones, including design reviews and key decision points;

"(C) key test events, including ground and flight tests and ballistic missile defense system tests;

"(D) delivery and fielding schedules;

"(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

"(F) planned contract award dates.

"(2) A detailed technical description of—

"(A) the capability to be developed, including hardware and software;

"(B) system requirements, including performance requirements;

"(C) how the proposed capability satisfies a capability identified by the commanders of the

combatant commands on a prioritized capabilities list;

"(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

"(E) how the Director plans to improve the capability over time.

"(3) A cost estimate, including—

"(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

"(B) program acquisition unit costs for the program element;

"(C) average procurement unit costs and program acquisition costs for the program element; and

"(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

"(4) A test baseline summarizing the comprehensive test program for the program element or

major subprogram outlined in the integrated master test plan.

"(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—(1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

"(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

"(B) Each subsequent report under paragraph (1) shall include—

"(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

"(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

"(I) the initial acquisition baseline for such program element or major subprogram; and

"(II) the acquisition baseline for such program element or major subprogram that was

submitted in the report during the previous year.

"(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

"(d) EXCEPTION TO LIMITATION ON REVISION.—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

"(1) a justification for such adjustment or revision;

"(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and

"(3) the effective date of the adjusted or revised acquisition baseline.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"225. Acquisition accountability reports on the ballistic missile defense system.".

(b) CONFORMING AMENDMENTS.—

(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.

(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).

(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.

SEC. 232.[Log #317] LIMITATION ON AVAILABILITY OF FUNDS FOR MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should pursue options with respect to multilaterally terminating the contract covering the medium extended air defense system in order to lessen the contract termination liability belonging to the United States;

(2) the Secretary of Defense must now sustain the Patriot air and missile defense system longer than previously planned;

(3) the Secretary of Defense should identify promising technologies from the medium extended air defense system, whether the technology origi-

nated in the United States or in a partner country, as soon as practicable and transition such technologies into a Patriot air and missile defense system upgrade effort or other program of record; and

(4) the Secretary of Defense should continue to pursue international cooperative missile defense activities that are affordable and benefit the security of all parties.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program may be obligated or expended until the date on which the Secretary of Defense—

(1) either—

(A) negotiates a multilateral termination with respect to the contract covering the program; or

(B) restructures such program and ensures that specific deliverables under such contract will be transitioned to one or more current programs of record by not later than September 30, 2013; and

(2) submits to the congressional defense committees written notification of—

(A) the amount of the total cost for which the United States is liable with respect to terminating the contract under paragraph (1)(A) or restructuring the program under paragraph (1)(B), as the case may be;

(B) the terms of such contract termination or program restructuring;

(C) the program schedule and specific elements of the program to be delivered to the United States;

(D) the specific technologies identified by the Secretary to be transitioned from the program to one or more current programs of record, including the plans for such transition; and

(E) how the Secretary plans to address the air and missile defense requirements of the Department of Defense in the absence of a fielded medium extended air defense system capability, including a summary of activities, the cost estimate, and the funding profile necessary to sustain and upgrade the Patriot air and missile defense system.

SEC. 233.[Log #318] HOMELAND DEFENSE HEDGING POLICY AND STRATEGY.

(a) POLICY.—It is the policy of the United States to develop and maintain a hedging strategy to provide for the protection of the homeland of the United States that—

(1) provides such protection through the phased, adaptive approach to missile defense in Europe if—

(A) the intercontinental ballistic missile threat from the Middle East to the United States materializes earlier than 2020 (the year in which phase four of the phased, adaptive approach is planned to begin protecting the homeland of the United States); or

(B) technical challenges or schedule delays affect the availability of the standard missile–3 block IIB interceptor planned for fielding in Europe by 2020 in order to protect the homeland of the United States as part of such phase four;

(2) provides such protection if the intercontinental ballistic missile threat from East Asia to the United States materializes more rapidly than expected;

(3) provides capabilities that improve or enhance the protection of the United States beyond the

ground-based midcourse defense capabilities currently deployed for the defense of the United States; and

(4) includes plans for ensuring that such hedging capabilities described in paragraphs (1) through (3)—

(A) are suitable to perform the assigned mission;

(B) are operationally effective; and

(C) use technologies that are sufficiently matured and tested prior to fielding.

(b) STRATEGY.—

(1) IN GENERAL.—In light of the policy described in subsection (a), the Secretary of Defense shall develop a hedging strategy to provide for the protection of the homeland of the United States.

(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

(A) A description of the hedging alternatives and capabilities considered by the Secretary.

(B) A summary of the analyses conducted, including—

(i) criteria used to assess such options and capabilities; and

(ii) the findings and recommendations of such analyses.

(C) Detailed plans, programs, and a budget profile for implementing the strategy through 2022.

(D) The criteria to be used in determining when each item contained in the strategy should be implemented and the schedule required to implement each item.

(E) Any other information the Secretary considers necessary.

(3) SUBMISSION.—The Secretary shall submit to the congressional defense committees the strategy developed under paragraph (1) by the earlier of the following:

(A) December 5, 2011.

(B) The date on which the Secretary completes the development of such strategy.

SEC. 234.[Log #319] GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) The last two intercept flight tests of the ground-based midcourse defense system in January 2010 and December 2010 failed to intercept, and in January 2011, the Director of the Missile Defense Agency halted deliveries of completed exo-atmospheric kill vehicles until the root cause of such failures is determined and resolved.

(2) The ground-based midcourse defense system is currently the only missile defense system that protects the homeland of the United States from long-range ballistic missile threats.

(3) In the fiscal year 2010 budget request, the ground-based midcourse defense system element was reduced by $524,600,000 from the fiscal year 2009 level while the fiscal year 2011 budget request restored $318,800,000 of this funding.

(4) The fiscal year 2012 budget request further reduces the ground-based midcourse defense system element by $185,000,000 for fiscal year 2012 and further reduces such element by an additional $1,000,000,000 for the years covering the future-years defense program from the amount projected in the fiscal year 2011 budget request.

(5) According to the Missile Defense Agency, the combination of the two flight-test failures and operating under the reduced spending limits of the Continuing Resolutions during fiscal year 2011 before the date on which the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10) was enacted have resulted in the delay or restructuring of several activities within the ground-based midcourse defense system element, including—

(A) delays to ground-based interceptor manufacturing and fleet upgrades;

(B) Stockpile Reliability Program component testing;

(C) new capability development, modeling, testing, and fielding;

(D) Fort Greely missile defense complex communications upgrades; and

(E) delays to flight testing of the two-stage ground-based interceptor.

(6) According to the Missile Defense Agency and the United States Northern Command, the procurement of additional ground-based interceptors will be necessary in light of the recent flight-test results.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the ground-based midcourse defense system is currently the only missile defense system that protects the homeland of the United States from long-range ballistic missile threats and therefore—

(1) the system should be given sufficient prioritization and funding to ensure its long-term reliability, effectiveness, and ability to adapt to advances in such threats;

(2) the Director of the Missile Defense Agency should thoroughly identify the root cause associated with the exo-atmospheric kill vehicle that led to the flight-test failures described in subsection (a)(1) and identify other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(3) implementation of corrective measures and flight testing should be undertaken as soon as possible to provide commanders of the combatant commands and the American people greater confidence in the reliability and effectiveness of the system; and

(4) the procurement of additional ground-based interceptors will be necessary in light of recent flight-test results.

(c) PLAN AND CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, or on the date on which the Failure Review Board has completed the review of the ground-based midcourse defense system flight-test failures described in subsection (a)(1), whichever is later, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) A plan by the Director of the Missile Defense Agency to address the flight-test failures, including—

(A) an identification of the root cause associated with the exo-atmospheric kill vehicle that led to the flight-test failures;

(B) an identification of other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(C) how the Director will resolve the issues identified in subparagraph (A) and (B), including a consideration of whether a re-designed exo-atmospheric kill vehicle is necessary;

(D) a description of planned flight tests of the exo-atmospheric kill vehicle with any implemented fixes;

(E) a summary of the measures required by the Commander of the United States Northern Command based on the flight-test failures in order to meet operational requirements; and

(F) the schedule and additional resources necessary to implement the plan.

(2) Written certification by the Secretary that—

(A) the Director has thoroughly investigated the root cause of the flight-test failures and any other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(B) the plan under paragraph (1) is sufficient to resolve the issues identified in subparagraph (A) and (B) of such paragraph;

(C) the schedule and additional resources described in subparagraph (F) of paragraph (1) are sufficient to implement the plan under such paragraph; and

(D) the Director has sufficiently prioritized the implementation of corrective measures and flight testing of the ground-based midcourse defense system.

Subtitle B—Space Activities

SEC. 911 [Log #321]. NOTIFICATION REQUIREMENT FOR HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.

(a) NOTIFICATION REQUIRED.—Upon a determination by the Secretary of Defense that a commercial communications service will cause or is causing widespread harmful interference with Global Positioning System receivers used by the Department of Defense, the Secretary shall submit to Congress notice of such determination.

(b) CONTENTS.—The notice required under subsection (a) shall include—

(1) a summary of the reasons that a commercial communications service will cause or is causing harmful interference with Global Positioning System receivers used by the Department of Defense;

(2) a description of the entity that will cause or is causing such harmful interference;

(3) a description of the magnitude and duration of such harmful interference or the potential magnitude and duration of such harmful interference; and

(4) a summary of the Secretary's plans for addressing such harmful interference.

Subtitle E—Nuclear Forces

SEC. 1051.[Log #324] ANNUAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 491. Annual assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system

"(a) ANNUAL ASSESSMENTS.—(1) Each covered official shall annually assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

"(2) The systems described in this paragraph are the following:

"(A) Each type of delivery platform for nuclear weapons.

"(B) The nuclear command and control system.

"(b) ANNUAL REPORT.—(1) Not later than December 1 of each year, beginning in 2011, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title

a report on the assessments conducted under subsection (a).

"(2) Each report under paragraph (1) shall include the following:

"(A) The results of the assessment.

"(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

"(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

"(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

"(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

"(c) REPORT TO PRESIDENT AND CONGRESS.—(1) Not later than March 1 of each year, beginning in 2012, the Secretary of Defense shall submit to the President a report containing—

"(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

"(B) any comments that the Secretary considers appropriate with respect to each such report;

"(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

"(D) any other information that the Secretary considers appropriate.

"(2) Not later than March 15 of each year, beginning in 2012, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

"(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

"(d) COVERED OFFICIAL DEFINED.—In this section, the term 'covered official' means—

"(1) the Commander of the United States Strategic Command;

"(2) the Director of the Strategic Systems Program of the Navy; and

"(3) the Commander of the Global Strike Command of the Air Force.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 490 the following new item:

"491. Annual assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.".

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SEC. 1052.[Log #322] PLAN ON IMPLEMENTATION OF THE NEW START TREATY.

(a) PLAN REQUIRED.—Not later than December 12, 2011, the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of the nuclear force structure of the United States under the New START Treaty, including—

(A) the composition of intercontinental ballistic missiles, submarine launched ballistic missiles, and bombers;

(B) the planned composition of the types and quantity of warheads for each delivery vehicle described in subparagraph (A);

(C) the number of nondeployed and retired warheads; and

(D) the plans for maintaining the flexibility of the nuclear force structure within the limits of the New START Treaty.

(2) A description of changes necessary to implement the reductions, limitations, and verification and transparency measures contained in the New START Treaty, including—

(A) how each military department plans to implement such changes; and

(B) an identification of any programmatic, operational, or policy effects resulting from such changes.

(3) The total costs associated with the reductions, limitations, and verification and transparency measures contained in the New START Treaty, and the funding profile by year and program element.

(4) An implementation schedule and associated key decision points.

(5) A description of options for and feasibility of accelerating the implementation of the New START Treaty, including a description of any potential cost savings, benefits, or risks resulting from such acceleration.

(6) Any other information the Secretary considers necessary.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the plan is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees and Senate Committee on Foreign Relations and The House Committee on Foreign Affairs a review of the plan.

(d) FORM.—The plan under subsection (a) and the review under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) NEW START TREATY DEFINED.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1053. [Log #325] ANNUAL REPORT ON THE PLAN FOR THE MODERNIZATION OF THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) IN GENERAL.—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2013 through 2017, the President, in consultation with the Secretary of Defense and the Secretary of Energy, shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a detailed report on the plan to—

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex;

(C) maintain, modernize, or replace the delivery platforms for nuclear weapons; and

(D) retire, dismantle, or eliminate any covered nuclear system.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) A detailed description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A detailed description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A detailed description of the plan to maintain, modernize, and replace delivery platforms for nuclear weapons.

(D) A detailed estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over the 10-year period following the date of the report.

(E) A detailed description of the steps taken to implement the plan submitted in the previous year.

(b) FORM.—The reports under subsection (a) shall be submitted in unclassified form (including as much detail as possible), but may include a classified annex.

(c) COVERED NUCLEAR SYSTEM DEFINED.—The term "covered nuclear system" means the following:

(1) B–52H or B2 bomber aircraft and nuclear air-launched cruise missiles.

(2) Trident ballistic missile submarines, launch tubes, and Trident D–5 submarine-launched ballistic missiles.

(3) Minuteman III intercontinental ballistic missiles and associated silos.

(4) Nuclear warheads or gravity bombs that can be delivered by the systems specified in paragraph (1), (2), or (3).

(5) Nuclear weapons delivered by means other than the systems specified in paragraph (1), (2), or (3).

SEC. 1054.[Log #323] SENSE OF CONGRESS ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the "New START Treaty") signed on April 8, 2010, and entered into force on February 5, 2011, will significantly reduce the strategic nuclear forces of the United States to 1,550 deployed warheads and a combined limit of 800 deployed and nondeployed intercontinental ballistic missile launchers, submarine launched ballistic missile launchers, and heavy bombers equipped to carry nuclear weapons.

(4) The Nuclear Posture Review of April 2010 stated that, "the President has directed a review of

potential future reductions in U.S. nuclear weapons below New START levels.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

SEC. 1098 [Log #403]. NATIONAL ROCKET PROPULSION STRATEGY.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Defense has undertaken numerous reviews of the solid rocket motor and liquid rocket engine propulsion industrial base, including pursuant to—

(A) section 915 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4329) (relating to the preservation of the solid rocket motor industrial base);

(B) section 916 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4330) (relating to the implementation plan to sustain solid rocket motor industrial base);

(C) section 917 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4330) (relating to the review and plan on sustainment of liquid rocket propulsion systems industrial base);

(D) section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2479) (relating to the

plan for sustainment of land-based solid rocket motor industrial base); and

(E) section 1050 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 318) (relating to the report on solid rocket motor industrial base).

(2) Multiple departments and agencies of the Federal Government rely on the solid rocket motor and liquid rocket engine propulsion industrial base, including the Department of Defense, the National Reconnaissance Office, and the National Aeronautics and Space Administration, and decisions made by one agency may have severe ramifications on others.

(3) The planned end in 2011 of the Space Shuttle program and the decision in 2010 by the President to terminate the Constellation program of the National Aeronautics and Space Administration have led to increased costs for rocket propulsion systems for defense and intelligence programs that rely on the rocket propulsion industrial base.

(4) According to the Air Force, the fiscal year 2012 budget request for the Evolved Expendable Launch Vehicle has increased by 50 percent over the fiscal year 2011 request in part due to the uncertainty in the launch industrial and supplier base re-

sulting from decisions by the National Aeronautics and Space Administration.

(5) According to the Navy, the unit cost for Trident II D5 rocket motors has increased 80 percent, in large part as a result of the elimination of investment by the National Aeronautics and Space Administration in solid rocket motors.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple departments and agencies of the Federal Government and requires the attention of the President.

(c) STRATEGY REQUIRED.—The President shall transmit to the appropriate congressional committees a national rocket propulsion strategy for the United States, including—

(1) a description and assessment of the effects to programs of the Department of Defense and intelligence community that rely on the solid rocket motor and liquid rocket engine industrial base caused by the end of the Space Shuttle program and termination of the Constellation program;

(2) a description of the plans of the President, the Secretary of Defense, the intelligence commu-

nity, and the Administrator of the National Aeronautics and Space Administration to mitigate the impact of the end of the Space Shuttle program and termination of the Constellation program on the solid rocket motor and liquid rocket engine propulsion industrial base of the United States;

(3) a consolidated plan that outlines key decision points for the current and next-generation mission requirements of the United States with respect to tactical and strategic missiles, missile defense interceptors, targets, and satellite and human spaceflight launch vehicles;

(4) options and recommendations for synchronizing plans, programs, and budgets for research and development, procurement, operations, and workforce among the appropriate departments and agencies of the Federal Government to strengthen the solid rocket motor and liquid rocket engine propulsion industrial base of the United States; and

(5) any other relevant information the President considers necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Armed Services, Science, Space, and Technology, Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committees on Armed Services, Commerce, Science, and Transportation, Appropriations, and the Select Committee on Intelligence of the Senate.

Subtitle A—National Security Programs Authorizations

SEC. 3101.[Log #327] NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 12–D–301, Transuranic (TRU) Waste Facilities, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,881,000.

SEC. 3102.[Log #328] DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103.[Log #329] OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104.[Log #330] ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for energy security and assurance programs necessary for national security as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111.[Log #332] CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.

(a) CONSOLIDATED PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.—

(1) IN GENERAL.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:

"SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.

"(a) PLAN REQUIREMENT.—The Administrator for Nuclear Security, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements

of the most recent annual Nuclear Weapons Stockpile Memorandum.

"(b) SUBMISSIONS TO CONGRESS.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator for Nuclear Security shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

"(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator for Nuclear Security shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

"(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

"(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

"(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

"(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs

and any other programs to modify, update, or replace warhead types.

"(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

"(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

"(5) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

"(6) Such other information as the Secretary of Energy or the Administrator for Nuclear Security considers appropriate.

"(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

"(1) With respect to stockpile stewardship and management—

"(A) the status of the nuclear weapons stockpile, including the number and age of war-

heads (including both active and inactive) for each warhead type;

"(B) for each five-year period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

"(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

"(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

"(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

"(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

"(E) a description of the process used in recertifying the safety, security, and reliability

of each warhead type in the nuclear weapons stockpile;

"(F) any concerns of the Secretary of Energy which would affect the ability of the Secretary to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

"(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

"(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

"(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate mod-

ernization activities, and mechanisms to ensure the retention of skilled personnel;

"(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

"(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allocations of funds by weapon type and facility; and

"(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4204.

"(2) With respect to science-based tools—

"(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

"(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and

such information and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 4202(a); and

"(C) the criteria developed under section 4202(a) (including any updates to such criteria).

"(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

"(A) an identification and description of—

"(i) any key technical challenges to the stockpile stewardship program; and

"(ii) the strategies to address such challenges without the use of nuclear testing;

"(B) a strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

"(C) an assessment of the science-based tools (including advanced simulation and com-

puting capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program; and

"(D) an assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

"(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

"(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

"(4) With respect to the nuclear security infrastructure—

"(A) a description of the modernization and refurbishment measures the Administrator

determines necessary to meet the requirements prescribed in—

"(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

"(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

"(iii) the most recent Nuclear Posture Review as of the date of the plan;

"(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

"(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

"(5) With respect to the nuclear test readiness of the United States—

"(A) an estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

"(B) a description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate;

"(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

"(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

"(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

"(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

"(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

"(A) An analysis of the plan, including—

"(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

"(ii) whether the modernization and refurbishment measures described under subparagraph (A) of paragraph (4) and the schedule described under subparagraph (B) of such paragraph are adequate to support such requirements.

"(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

"(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

"(i) supporting the annual certification of the nuclear weapons stockpile; and

"(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

"(2) Not later than 180 days after the date on which the Administrator submits the plan under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

"(2) The term 'future-years nuclear security program' means the program required by section

3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

"(3) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

"(4) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for the National Nuclear Security Administration in support of the budget for that fiscal year.

"(5) The term 'nuclear security enterprise' means the physical facilities, technology, and human capital of—

"(A) the national security laboratories;

"(B) the Pantex Plant;

"(C) the Y–12 National Security Complex;

"(D) the Kansas City Plant;

"(E) the Savannah River Site; and

"(F) the Nevada National Security Site.

"(6) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.

"(7) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

"(8) The term 'weapons-related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

"(A) nuclear nonproliferation;

"(B) nuclear forensics;

"(C) nuclear intelligence;

"(D) nuclear safety; and

"(E) nuclear incident response.".

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

"Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.".

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).

(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: "**STOCKPILE STEWARDSHIP CRITERIA**".

(3) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

"Sec. 4202. Stockpile stewardship criteria.".

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(e) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(2) NDAA FISCAL YEAR 1996.—Section 3152 of the National Defense Authorization Act for Fiscal

Year 1996 (Public Law 104–106; 110 Stat. 623) is repealed.

SEC. 3113.[Log #331] USE OF SAVINGS FROM PENSION REIMBURSEMENTS FOR BUDGETARY SHORTFALLS.

(a) DETERMINATION OF AMOUNTS.—

(1) DETERMINATION.—From time to time as economic conditions and pension projections change during fiscal year 2012 and each fiscal year thereafter through 2016, the appropriate head of an agency shall determine the amount of funds described in paragraph (2) that exceed the level necessary to satisfy the minimum funding standard required by the Employee Retirement Income Security Act of 1974.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are amounts appropriated pursuant to a DOE national security authorization that are made available (including by transfer) for contributions to defined-benefit pension plans for employees of management and operating contractors of—

(A) the National Nuclear Security Administration; or

(B) the Office of Environmental Management of the Department of Energy.

(b) AVAILABILITY OF AMOUNTS.—Upon a determination of amounts under subsection (a)(1), the appropriate

head of an agency shall promptly make available (including by transfer, if necessary) the determined amounts to accounts of the agency to be used for high-priority budgetary shortfalls, as identified by the head of the agency. Any determined amounts so transferred shall be available for the same period of time as the accounts to which transferred.

(c) REQUIRED OBLIGATION OF AMOUNTS.—The appropriate head of an agency shall promptly obligate or expend amounts made available under subsection (b) for the purposes provided in such subsection.

(d) TRANSFER AUTHORITY.—

(1) EFFECT ON AUTHORIZATION OF AMOUNTS.—Any transfer made from one account to another under this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by subsection (b) is in addition to any other transfer authority available to the Department of Energy or the National Nuclear Security Administration.

(e) NOTICE TO CONGRESS.—The appropriate head of an agency shall promptly notify the congressional defense

committees of determinations and transfers made under this section. Such notifications shall include plans by the head of the agency to carry out subsection (c) with respect to such determinations and transfers.

(f) SUNSET.—The authorities under this section shall terminate on September 30, 2016.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate head of an agency" means—

(A) the Administrator for Nuclear Security, with respect to matters concerning the National Nuclear Security Administration; and

(B) the Assistant Secretary of Energy for Environmental Management, with respect to matters concerning the Office of Environmental Management of the Department of Energy.

(2) The term "DOE national security authorization" has the meaning given that term in section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741).

SEC. 3123.[Log #_____] REPORT ON FURTHER CONSOLIDATION OF THE NUCLEAR SECURITY COMPLEX.

(a) NNSA REPORT.—Not later than February 1, 2012, the Administrator for Nuclear Security, in coordination with the Secretary of Energy, shall submit to the congressional defense committees a report on opportunities for further consolidation of special nuclear material and functions of the nuclear security complex that would yield cost savings and efficiencies in security and safety.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) Opportunities for further consolidation of special nuclear material.

(2) A strategy and schedule to reduce duplicative and excess functions of the nuclear security complex, including—

(A) a justification for why certain duplicative or excess functions might remain necessary; and

(B) an analysis of the potential for consolidation or shared use or development of high-explosives research and development capacity and supercomputing platforms and infrastructure maintained for work for others programs.

(3) Options to reduce the number of nuclear security complex sites as a part of long-term planning.

(4) A description of how the consolidation described in the report will contribute to cost savings and efficiencies in security operations.

(5) Any other matters the Administrator considers appropriate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Administrator submits the report under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report under subsection (a).

(d) FORM.—The reports required by subsection (a) and (c) shall be submitted in unclassified form, but may include a classified index.

(e) NUCLEAR SECURITY COMPLEX DEFINED.—In this section, the term "nuclear security complex" means the physical facilities, technology, and human capital of the following:

(1) Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) Lawrence Livermore National Laboratory, Livermore, California.

(4) The Kansas City Plant, Kansas City, Missouri.

(5) The Nevada Nuclear Security Site, Nevada.

(6) The Savannah River Site, Aiken, South Carolina.

(7) The Y-12 National Security Complex, Oak Ridge, Tennessee.

(8) The Pantex Plant , Amarillo, Texas.

SEC. 3124.[Log #334] NET ASSESSMENT OF HIGH-PERFORMANCE COMPUTING CAPABILITIES OF FOREIGN COUNTRIES.

(a) ASSESSMENT REQUIRED.—The Administrator for Nuclear Security, in coordination with the Secretary of Defense, the Director of National Intelligence, the Under Secretary of Energy for Science, and the Under Secretary of Commerce for Industry and Security, shall conduct a net assessment of the high-performance computing capability possessed by foreign countries.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include—

(1) an analysis of current and expected future capabilities and trends with respect to high-performance computing in the United States and in other countries;

(2) a description of how high-performance computing technology is being used by various countries as compared to the United States;

(3) an evaluation of the similarities and differences in approaches to the innovation, development, and use of high-performance computing among the United States and countries with the most experience, capabilities, or skill with respect to high-performance computing;

(4) estimates of the current and expected future effects of high-performance computing technology on the national security and economic growth of various countries;

(5) recommendations on actions to take to ensure the continued leadership by the United States in high-performance computing and ways to better leverage such technology for innovation, economic growth, and national security; and

(6) such other matters as the Administrator considers appropriate.

(c) COORDINATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Administrator shall coordinate the assessment required by subsection (a) with other departments or agencies of the Federal Government as the Administrator considers appropriate.

(2) DEPARTMENT OF DEFENSE.—Upon request by the Administrator, the Secretary of Defense shall provide net assessment expertise and general assistance through the Office of Net Assessment of the Department of Defense or other appropriate agency of the Department of Defense.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the results of the assessment required by subsection (a).

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. [Log #335] AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2012, $29,130,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SUMMARY OF DIRECTIVE REPORT LANGUAGE

Titles 3, 10, 28 & 31

SUMMARY OF DIRECTIVE REPORT LANGUAGE

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SUMMARY OF DIRECTIVE REPORT LANGUAGE

TITLE III—OPERATION AND MAINTENANCE

Aegis Ballistic Missile Defense Operational Considerations and Force Structure

The committee recognizes the progress made by the Department of Defense to develop and field Aegis ballistic missile defense (BMD) capabilities. The committee, however, remains concerned about the force structure and inventory demands for Aegis ships resulting from the Phased Adaptive Approach (PAA) to missile defense in Europe, announced in September 2009, and the Department's plans to tailor the PAA to other geographic regions such as East Asia and the Middle East. As noted in the 2010 "Ballistic Missile Defense Review," "the demand for missile defense assets within each region over the next decade will exceed supply."

In particular, the committee would like to further understand the concept of operations for Aegis BMD capabilities and how operational considerations affect Aegis BMD force structure. The Vice Chairman of the Joint Chiefs of Staff previously testified before the committee on October 1, 2009 that when an Aegis ship is in missile defense mode, it "consumes all of the radar's activity," and a second ship is required for ship protection. Aegis BMD ships also support multiple missions such as maritime security, anti-submarine warfare, and surface warfare. While this multi-mission functionality provides flexibility and mobility, it may also place further force structure demands on the Aegis fleet and creates operational and performance tradeoffs for each ship. Additionally, as reported in June 2010, a Navy Fleet Review Panel assessment observed that Aegis SPY radar "manpower, parts, training and performance are in decline" and the decline in Aegis radar readiness may affect the Navy's ability to meet its missile defense mission requirements.

The committee directs the Secretary of the Navy to provide a report to the congressional defense committees, by December 5, 2011, that assesses how operational requirements and considerations, such as force protection, other mission requirements, geographic trade-offs, and readiness and availability, affect the Aegis BMD concept of operations and the implications of such operational requirements and considerations on force structure required to support combatant commanders' missile defense missions. Similarly, such assessment should also address how the Navy balances its various mission requirements and the impact of missile defense requirements on its force structure demands and operational tempo. The assessment should also describe any recent Aegis BMD deployments, for example, to support the July 2009 Democratic People's Republic of Korea missile launches, and how operational requirements and considerations influenced the Aegis BMD force structure and concepts of operation to address the combatant commanders' mission requirements.

Joint Space Operations Center

The Joint Space Operations Center is responsible for the operational employment of worldwide joint space forces and maintains space data for all man-made objects orbiting the Earth. The committee wants to ensure the continuity of this important capability. Therefore, the committee directs the Commander, Air Force Space Command to develop a continuity of operations (COOP) plan for the Joint Space Operations Center (JSpOC) and to provide a report to the congressional defense committees by March 2, 2012 on the details of the COOP plan and any resources required to implement the plan.

Satellite Operations Efficiencies

The Air Force Satellite Control Network consists of satellite control centers, tracking stations, and test facilities located around the world. For many Air Force satellite systems, mission control centers (MCC) are located at the Consolidated Space Operations Center at Schriever Air Force Base Colorado. For other satellite systems, including other Department of Defense (DOD) satellites, MCCs have been fielded in various geographic locations. These centers are staffed around the clock and are responsible for the operations and command and control of their assigned satellite systems.

Today, efforts are underway to modernize these various satellite operations centers from their initial point-to-point architectures using proprietary data-transfer protocols to interoperable network architectures using standard protocols. While the committee commends such efforts, it remains concerned that these operations centers require more resources than their commercial system counterparts. The committee recognizes the importance of the Department's satellite operations capabilities and understands that some DOD-unique requirements may preclude the adoption of certain commercial practices. However, the committee believes there is opportunity to improve satellite operations and create greater efficiencies by leveraging commercial best practices.

The committee directs the Comptroller General of the United States to provide an assessment to the congressional defense committees by February 6, 2012, to include: an assessment of the Department's efforts to modernize its satellite operations capabilities, a comparison of the Department's satellite operations concepts with those in other Government entities and commercial industry, and an identification of practices that the Department could adopt to improve its satellite operations, consistent with Department of Defense mission requirements.

TITLE X—GENERAL PROVISIONS

Comptroller General Review of Security Requirements for Special Nuclear Material

The committee continues to remain concerned about the security requirements associated with facilities that operate with special nuclear materials (SNM). The committee would like to gain a clearer understanding of the similarities and differences in security and inspection procedures at Department of Energy and Department of Defense (DOD) facilities that operate with special nuclear materials, as well as commercial facilities that operate with SNM in direct support of DOD or National Nuclear Security Administration (NNSA) mission requirements.

Therefore, the committee directs the Comptroller General of the United States to conduct a review of the security requirements for SNM and submit a preliminary report to the congressional defense committees by February 1, 2012, with a final report and classified annex, as necessary, to be submitted by July 2, 2012. The review should consist of the security requirements and inspection procedures for DOD and NNSA facilities that operate with significant quantities of special nuclear materials. These SNM include, but are not limited to, plutonium-239, uranium-233, and uranium-235 in the form of nuclear weapons components, metals, oxides, and reactor fuels.

The review should also examine commercial facilities that operate with significant quantities of SNM in direct support of DOD or NNSA mission requirements. This review is not intended to cover operationally deployed or stored nuclear weapons.

Nuclear Command, Control, and Communications

The committee notes that the 2010 Nuclear Posture Review (NPR) highlighted an interagency study that was to begin in 2010 and provide a long-term strategy and needed investments to further strengthen nuclear command, control, and communications (NC3) capabilities. The NPR also noted that the Secretary of Defense has directed a number of initiatives to further improve the resiliency of the NC3 system.

The committee appreciates the Department's focus on this vital capability. However, the committee understands that the NC3 interagency study has not yet begun.

The committee is concerned about potential capability gaps or shortfalls, particularly with continued delays in the Family of Advanced Beyond-line-of-sight Terminals (FAB-T) program. Further discussion is contained in the classified annex accompanying this report.

The Assistant Secretary of Defense for Networks, Information and Infrastructure (ASD NII) is designated as the enterprise architect for NC3 and responsible for the development and maintenance of the defense-wide NC3 architecture. Although the ASD NII has this architecture responsibility, the military services are responsible for funding the individual elements of the NC3 system.

The committee understands that the various NC3 elements are highly interdependent; a reduction in funding by one service may affect other services' NC3 capabilities. Without strong, centralized oversight of the NC3 portfolio and investments, the committee is concerned that such dispersion of activity may have negative consequences for the overarching NC3 capability.

The committee therefore directs the Assistant Secretary of Defense for Networks, Information and Infrastructure, in coordination with the Secretaries of the military departments, to submit to the congressional defense committees by February 6, 2012, a report on the NC3 architecture, long-term strategy, and an identification of the NC3 elements across the services, including current and needed investments across the Future Years Defense Program.

The committee is aware that the Secretary of Defense intends to eliminate the position of the Assistant Secretary of Defense for Networks, Information and Infrastructure as part of the Department's efficiency initiative. If this occurs, the committee expects the report to be submitted by the Department's designated enterprise architect for NC3.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Aegis Ballistic Missile Defense Homeporting in Europe

The committee is aware that the Department of Defense is exploring the feasibility of homeporting U.S. Aegis ballistic missile defense (BMD) ships in Europe in support of the phased, adaptive approach for missile defense in Europe. The committee understands that such forward-basing of U.S. Aegis BMD ships in Europe may alleviate some force structure demands on the Aegis fleet by reducing their time in transit and providing closer proximity to Europe and the Middle East. Such a naval port in Europe would also further U.S. policy on international missile defense cooperation and burdensharing for the collective defense of Europe and the United States.

The committee directs the Secretary of Defense to provide a notification to the congressional defense committees preceding the Department's announcement of a decision to

homeport U.S. Aegis BMD ships in Europe. The notification should include, at a minimum: the proposed location; number of ships to be homeported in Europe; the implementation schedule and funding profile, including military construction; and a summary of any analysis of alternatives that supports the decision, including any cost-benefit analysis.

TITLE XXXI–DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Comptroller General Evaluation of Study on Options for Nuclear Weapon Transportation

In the committee report (H. Rept. 110-652) accompanying the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the committee directed the Administrator of the National Nuclear Security Administration (NNSA) and the Secretary of the Air Force to conduct a feasibility study regarding transporting nuclear weapons and related materials by aircraft. The committee received this report, titled "Report to Congress on the Feasibility of Increasing Air Transportation of Nuclear Weapons, Components, and Materials" in September 2009.

Given the inherent institutional tendency to continue conducting operations in the same manner as before, the committee seeks an independent evaluation of the study and the feasibility of increased transportation of nuclear cargos by air. Therefore, the committee directs the Comptroller General of the United States to conduct an evaluation of the September 2009 study, and submit a report on the evaluation to the congressional defense committees by February 1, 2012. The evaluation should assess the assumptions, methodology, findings, and conclusions of the study conducted by NNSA and the Air Force, including the study's rigor and completeness. The evaluation should also include general cost-estimates for pursuing various options for the transport of nuclear weapons, and evaluate the September 2009's assessment of safety and security impacts of the various options examined. The evaluation should consider changes in procedures and concepts of operations, incorporation of new or emerging technologies, and the utilization of threat information in its examination of the options.

Report on project management for large-scale construction programs

The committee believes that successful, efficient, and timely completion of the Chemistry and Metallurgy Research Building Replacement (CMRR) at the Los Alamos National Laboratory and the Uranium Processing Facility (UPF) at the Y-12 National Security Complex are critical to the long-term sustainability of the nuclear weapons stockpile. The committee is concerned that, given its history regarding management of large-scale construction projects, the National Nuclear Security Administration (NNSA) may encounter significant difficulty in managing and executing these programs to build two large, and wholly unique, nuclear facilities simultaneously.

The committee notes with concern the large cost growth and schedule delays of both of these programs as they have advanced in the design process. With the designs for UPF and the major nuclear component of CMRR only 45 percent complete, expected total project costs for constructing the facilities have increased several times over compared to original estimates. The original 2004 maximum cost estimate for CMRR was less than $1.0 billion; the current expected maximum cost for CMRR, based on the 45 percent complete design of the nuclear facility, has increased dramatically to over $6.0 billion. Similarly, the expected maximum cost for UPF has

increased from $3.5 billion in 2007 to $6.5 billion today. As discussed in documents accompanying the fiscal year 2012 budget request, NNSA will not determine full baseline costs for the these facilities until their designs are 90 percent complete. The committee agrees with this decision to establish a mature design before full cost estimates are developed, and expects NNSA to avoid concurrent design and construction for these facilities.

The committee recognizes the one-of-a-kind nature of these facilities and the difficulties in estimating their costs and schedules in conceptual phases. However, the dramatic increases in the expected costs of these facilities, coupled with their importance to sustaining the Nation's nuclear deterrent, demonstrate the need for strong oversight of the project management approach taken by NNSA for constructing these facilities.

Therefore, the committee directs the Under Secretary for Nuclear Security to submit a report to the congressional defense committees, by March 15, 2012, on NNSA's approach to construction project management for CMRR and UPF. The report should cover NNSA's general approach to managing both large-scale construction projects simultaneously; application of lessons learned by NNSA and the Department of Energy from previous large-scale construction projects; NNSA's approach to ensuring accurate cost and schedule estimates throughout the project design and construction cycle; how NNSA conducts oversight and ensures accountability from its design and construction contractors; alternatives considered for managing and scheduling the two projects; advice and guidance received from other Government organizations with experience managing large-scale construction projects; and any other matters the Administrator determines appropriate. The committee encourages NNSA to think creatively and explore all of its options for managing these projects, and to strive to complete them in an efficient and expeditious manner.